

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following commentary.

I. Status of the Claims

Claims 1-6 were previously cancelled. Claim 7 has been amended to set forth the subject matter more clearly. Because no new matter is introduced, Applicants respectfully request entry of this amendment. Upon entry, claims 7-18 will be pending.

II. Rejection of Claims under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 7-18 for alleged indefiniteness, in particular, for recitation of the phrase "relative to wild type" in claim 7. Applicants have amended claim 7 to delete the phrase at issue, in keeping with the Examiner's suggestion. Therefore, withdrawal of the rejection is respectfully requested.

III. Double Patenting Rejection

The Examiner rejected claims 7-18 on the ground of nonstatutory obviousness-type double patenting over claims 1 and 2 of U.S. Patent No. 5,585,096. By virtue of the concurrently filed terminal disclaimer, the stated basis for the rejection is obviated.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 5 November 2007

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768